

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO <i>ex rel.</i>	)	
State Engineer,	)	
	)	
Plaintiff,	)	No. 69cv07941-BB
	)	
	)	Rio Chama Stream System
	)	
ROMAN ARAGON, <i>et al.</i> ,	)	
	)	
Defendants.	)	
_____	)	

**AMENDED SCHEDULING ORDER ON PUEBLO CLAIMS**

Pursuant to the Special Master's January 16, 2008 *Notice and Order Setting Multi-case Status and Scheduling Conference on Pueblo Claims* (No. 9072), the *Order Vacating Deadline and Staying Further Proceedings* (No. 8734), the proposals submitted by the parties at the February 19, 2008 Multi-case Status and Scheduling Conference on Pueblo Claims, and for good cause shown, the November 3, 2004 *Scheduling Order on Pueblo Claims* (No. 7639) ("Scheduling Order") is hereby amended as follows.

1. Section 4.1 of the Scheduling Order is amended as follows:

4.1.5 A scheduling conference for Pueblo Claims Subproceeding 1 shall be held before the Special Master in December, 2009, at a time and place to be announced. Subject to reconsideration at that scheduling conference, the following shall govern the course of Subproceeding 1:

4.1.5.1 **Discovery completion date:** All discovery will be commenced in time to be completed by February 1, 2012. Motions relating to discovery (including, but not limited to, motions to compel and motions for protective order) shall be filed with the Court and served on

opposing parties by March 30, 2012. This deadline shall not be construed to extend the twenty-day time limit in D.N.M.LR-Civ. 26.6.

**4.1.5.2 Expert Witness Disclosure:** The parties anticipate calling expert witnesses in the fields of hydrology, archeology, anthropology, history, agricultural science, soil science, palynology, and hydrographic survey. Reports from retained experts under Rule 26(a)(2) shall be due:

From the United States by March 2, 2010;

From Ohkay Owingeh by November 2, 2010;

From the State by June 1, 2011;

From all other parties by October 4, 2011.

**4.1.5.3 Witness and Exhibit Lists:** Final lists of witnesses and exhibits under Rule 26(a)(3) shall be due from all parties on July 3, 2012. Parties shall have 15 days after service of final lists of witnesses and exhibits to list objections under Rule 26(a)(3).

**4.1.5.4 Pretrial Motions:** Pretrial motions, other than discovery motions, shall be filed with the Court and served on opposing parties by May 1, 2012, or thirty (30) days after relevant documents are provided pursuant to a motion to compel, whichever is later. Any pretrial motions, other than discovery motions, filed after this date shall be considered untimely in the discretion of the Court.

**4.1.5.5 Date and Anticipated length of trial:** The case should be ready for trial by August 2012. The parties agree that it is impossible to

make a realistic projection concerning the length of trial at this point in time.

**2.** Section 4.2 of the Scheduling Order is amended as follows:

4.2.1 On or before March 1, 2012, the United States shall file and serve, pursuant to paragraph 3.6 of this Order, a subproceeding complaint stating the water rights to be claimed on behalf of Ohkay Owingeh within the scope of the Pueblo Claims Subproceeding 2, as defined in paragraph 2.2 of this Order.

4.2.2 On or before April 3, 2012, Ohkay Owingeh shall file and serve, pursuant to paragraph 3.6 of this Order, a subproceeding complaint for water rights the Pueblo claims within the scope of Pueblo Claims Subproceeding 2.

4.2.3 Answers to all Pueblo Claims Subproceeding 2 complaints shall be filed on or before June 1, 2012.

4.2.4 On or before August 2, 2012, the parties to Pueblo Claims Subproceeding 2 shall meet pursuant to Fed. R. Civ. P. 26(f) and shall make mutual initial disclosures pursuant to Fed. R.Civ.P. 26(a)(1).

4.2.5 A scheduling conference for Pueblo Claims Subproceeding 2 shall be held before the Special Master in August, 2012, at a time and place to be announced. The United States, indicating concurrence or non-concurrence by other parties, shall submit a proposed scheduling order to the Special Master no later than 5 days before the scheduling conference.

**3.** Except as amended pursuant to this Order, all other provisions of the Scheduling Order remain in full force and effect.

IT IS SO ORDERED.

*Vickie L. Gabin*

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SPECIAL MASTER VICKIE L. GABIN